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LETTER DATED 27 MAY 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit herewith a letter dated 27 May 1991 from Mr. Ahmed Hussein, Minister for Foreign Affairs of the Republic of Iraq, concerning Iraq's position with regard to Security Council resolution 692 (1991).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

Annex

Letter dated 27 May 1991 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

After taking note of Security Council resolution 692 (1991), I see it as my duty to inform you of my country's position with regard to that resolution, since it includes provisions which endanger not only Iraq but all concepts of justice and equity, as well as the essence of international law.

Security Council resolution 692 (1991) adds a further dangerous precedent to the series of precedents established by the Council's resolutions against Iraq since 2 August 1990. Although the resolution is of a procedural nature, its consequences and repercussions on the future of the Iraqi people and succeeding generations make it my duty and responsibility formally to notify you of Iraq's position. The Council's refusal to permit open discussion before the adoption of the resolution denied us the opportunity to express our views and prevented international public opinion and the States Members of the Organization from acquainting themselves with the facts which upholders of justice helped to record.

I am adding nothing new when I mention the Security Council's inability to adopt resolutions restoring the usurped right of the Palestinian people and recognizing its inalienable rights to self-determination and the establishment of its own State. Even in the notable exceptional circumstances when the United States voted in favour of Security Council resolution 487 (1981), which condemned Israel for its aggressive attack on the Tammuz nuclear reactor (used for peaceful purposes), the United States did not show any zeal in urging the Security Council to take the measures required to implement that resolution and to oblige Israel to pay the reparations thus provided for.

As a result of the developments in international relations between the Eastern and Western camps, the United States has become the dominant element in the Security Council. It has exploited its influence by forcing the Council to adopt unjust resolutions for the purpose of bestowing international legitimacy on the plan of aggression which it implemented together with its allies against Iraq, without any control or supervision over the military operations by the Council. The United States and its allies were thus left free to destroy Iraq and to shatter its potential and economic infrastructure.

Under resolution 692 (1991), the Council established a political body to take decisions on judicial matters. It made this body both an adversary of Iraq and, at the same time, an arbitrator of its affairs. While the essential task of the Security Council, as a principal organ of the United Nations, is to maintain international peace and security, the Charter entrusts the International Court of Justice, as a separate principal organ of the Organization, with the task of rendering judgements on judicial cases and determining levels of reparations. The Council has thus, under great pressure from the United States of America, Britain and France, been converted from a

political into a judicial authority. While the International Court of Justice is an independent authority composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law, the Reparations Fund and its Governing Council, established under resolution 692 (1991), reflect the political composition of the Security Council, the object of which - following the end of the Second World War - was to achieve political equilibrium between the victorious allied Powers. Is it right that the Security Council should be converted from a principal organ for the maintenance of international peace and security into an organ which establishes judicial organs subsidiary to itself? It is not empowered to do so under the Charter and, in so doing, encroaches on the authority of another principal organ, namely, the International Court of Justice.

Iraq's responsibility for reparations under paragraph 16 of resolution 687 (1991) must be determined in accordance with the rules and procedures established by international law rather than on the basis of the general policy laid down by the "Governing Council" of the Reparations Fund established under resolution 692 (1991). This Council is to take decisions on claims for compensation which may exceed tens of billions.

The political composition of this Council will make the criterion for consideration of compensation based on the interests and policies of the States members of the Council, not on the principles of international law, without according Iraq the right to defend itself or consult its current and future economic interests. The first proof of this is the Security Council's failure to take into consideration the request made by Iraq for a five-year moratorium on the payment of compensation in the light of its current economic circumstances and the need to meet the basic requirements of the Iraqi people and to repair the damage which Iraq has suffered as a result of the aggression against it. A further proof is that the Security Council has ignored the damage suffered by Iraq - which was many times more than the damage suffered by other countries - as a result of the intensive aerial bombardment aimed at civilian centres and economic and cultural installations, which wrought, according to the description in the report of Mr. Martti Ahtisaari, Under-Secretary-General for Administration and Management, on the situation in Iraq, contained in document S/22366 of 20 March 1991, near-apocalyptic results upon "what had been ... a rather highly urbanized and mechanized society. Now, most means of modern life support have been destroyed or rendered tenuous. Iraq has, for some time to come, been relegated to a pre-industrial age, but with all the disabilities of post-industrial dependency on an intensive use of energy and technology".

This neutral report gave a true picture of the effects of the aggression of the United States of America and its allies on food, agriculture, water, sanitation, health, power, transportation, communications and logistics. What has the Security Council done to deal with these effects that arose out of a

grave and unprecedented excess in the implementation of objectives of a Security Council resolution that were not specified therein?

The main features of this destruction were pinpointed by a Harvard University mission, a neutral body, which visited Iraq and published a report on 22 May 1991. It perceived by itself, without any intervention by the Iraqi authorities, the truth of the situation with regard to health and living conditions in Iraq. Its report drew up future death certificates for 170,000 Iraqi children who would die in the course of the year as a result of the effects left by the Gulf War on sanitation in Iraq and the destruction of power generating and water purifying centres, which would lead to the spread of epidemics of cholera, typhoid and communicable diseases. Where are the human rights that the United States upholds? Is it human rights for them to impose an embargo on the Iraqi people for a period close on one year without permitting Iraq to export its oil to meet its basic requirements? The Committee on sanctions has even refused Iraq's request to export a limited amount of oil and petroleum products on the basis of paragraph 23 of resolution 687 (1991), which was drafted by the United States and its allies.

The Security Council's response to the efforts of the United States and its allies to impose proportional appropriations from Iraqi oil revenues means indirectly giving the Council powers of disposal over the oil resources of the people of Iraq with regard to the level of production. The United States and the biased States will thereby realize another objective, namely, the smashing also of the Organization of Petroleum Exporting Countries (OPEC) and the elimination of its right to control its oil resources and determine its exports of crude oil and petroleum products.

Resolution 692 (1991) has opened the door wide to all greedy and crafty parties to submit various false or exaggerated claims without Iraq having any right to establish their lack of legitimacy.

The sure results of this resolution will be to impoverish the Iraqi people and future generations for decades to come and to punish the current Iraqi generation, which has suffered and is still suffering the effects of the economic embargo and military aggression. The resolution will lead to the creation of favourable conditions for the spread of epidemics and social problems and the spread of crime. These results will lead to destabilization in the region and the creation of new foci of confict and tension, and that will have a far-reaching effect on world peace.

The actions of the Security Council and its Committee on sanctions point to the existence of deliberate dilatoriness and obfuscation aimed at prolonging the term of the embargo and not lifting it for the purpose of realizing political objectives of certain States to the detriment of Iraq at a time when Iraq is fulfilling all its obligations.

Resolution 692 (1991) is unprecedented and has no basis in the United Nations Charter or any international convention. The absolute powers that

were given to the Governing Council of the Fund have never been given to any international organization in modern history.

By this resolution, the Security Council has sown the seed of the destruction of the body which it has created without any legal and just basis. This has made the credibility of the Council and its responsibility for the maintenance of international peace and security the subject of profound doubt. The history of the United Nations will, unquestionably, contain black pages full of condemnation of all the unjust and biased resolutions which were adopted by the Security Council against Iraq under United States pressure and which constitute precedents involving not only the demolition of Iraq's rights but also the destruction of the values of justice and fairness and the defacing of the foundations and content of international law.

Accept, Sir, the assurances of my highest consideration.

(Signed) Ahmed HUSSEIN
Minister for Foreign Affairs of
the Republic of Iraq